

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

02-*R*-1136

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$66,412.25 TO RONALD G. WHITTLE IN
SETTLEMENT OF HIS CLAIM AGAINST THE CITY OF
ATLANTA**

WHEREAS, during 2001 and 2002 the City, through its contractor, Shaheed's Construction Company, Inc., has been installing new storm sewers around and through Fairview Road in Northeast Atlanta; and

WHEREAS, Ronald G. Whittle has filed a claim against the City of Atlanta seeking recovery for damages sustained to his property arising from the construction of a storm sewer on his property by Shaheed's Construction Company, Inc.; and

WHEREAS, the damage done by Shaheed's Construction Company, Inc., included knocking down a tree that fell onto the claimant's electrical wiring causing a fire in the claimant's home, extensive damage to the landscaping, deck, patio, porch, driveway, stone walls and the claimant further suffered the loss of rental income from two apartments located in his home; and

WHEREAS, additional damage appears to have been done to the property by City forces attempting to remedy the damage done by Shaheed's Construction Company, Inc.; and

WHEREAS, the claimant has asserted damages in excess of \$70,000.00 but has agreed to accept the sum of \$66,412.25 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Ronald G. Whittle be settled for the sum of \$66,412.25.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$66,412.25 be paid by the City of Atlanta in satisfaction of any and all claims Ronald G. Whittle may have stemming from damages sustained to his property located at 1315 Fairview Road during 2001 and 2002; and

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the contractor, Shaheed's Construction Company, Inc.; and



BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Phonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JULY 01, 2002
JULY 09, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0412

Date: June 11, 2002

Claimant /Victim RONALD G. WHITTLE

BY: (Atty)(Ins. Co.)

Address: 1315 Fairview Road, Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ 70,000.00 Bodily Injury \$

Date of Notice: 06/10/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 2001 through 2002 Place: 1315 Fairview Road

Department Public Works Division: Infrastructure

Employee involved Disciplinary Action:

NATURE OF CLAIM: During the last ten months the City, through its contractor, Shaheed's Construction Company, Inc., has been installing new storm sewers around and through the claimant's property. During this process the claimant's property has been extensively damaged by the contractor and by City forces.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other

Traffic citations issued: City Driver X Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

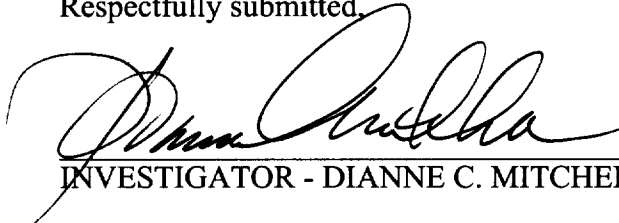
Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 66,412.25 Adverse Account charged: 1A01 X 2J01 2H01 2P01

Claims Manager: Concur/date 06-13-02

Committee Action: Council Action

CONSENT I

		07/01/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0718	34. 02-R-1074	39. 02-R-1076
2. 02-O-1021	35. 02-R-1075	40. 02-R-1077
3. 02-O-1022	36. 02-R-1124	41. 02-R-1078
4. 02-O-1119	37. 02-R-1125	42. 02-R-1079
5. 02-O-1142	38. 02-R-1126	43. 02-R-1080
6. 02-O-0602		44. 02-R-1081
7. 02-O-1013		45. 02-R-1082
8. 02-O-1148		46. 02-R-1083
9. 02-O-0864		47. 02-R-1084
10. 02-O-1017		48. 02-R-1085
11. 02-O-1020		49. 02-R-1086
12. 02-R-1143		50. 02-R-1087
13. 02-R-1104		51. 02-R-1088
14. 02-R-1120		52. 02-R-1089
15. 02-R-1121		53. 02-R-1090
16. 02-R-1122		54. 02-R-1091
17. 02-R-0470		55. 02-R-1092
18. 02-R-0810		56. 02-R-1093
19. 02-R-1182		57. 02-R-1094
20. 02-R-1118		58. 02-R-1095
21. 02-R-1146		59. 02-R-1096
22. 02-R-1177		60. 02-R-1097
23. 02-R-1179		61. 02-R-1098
24. 02-R-1101		62. 02-R-1099
25. 02-R-1102		63. 02-R-1127
26. 02-R-1103		64. 02-R-1128
27. 02-R-1145		65. 02-R-1129
28. 02-R-1134		66. 02-R-1130
29. 02-R-1135		67. 02-R-1131
30. 02-R-1136		68. 02-R-1132
31. 02-R-1176		69. 02-R-1133
32. 02-R-1072		
33. 02-R-1073		

022 R-1136
(Not Write Above Line)

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SETTLEMENT OF HIS CLAIM AGAINST
THE CITY OF ATLANTA

APPROVED BY:

Rosalind Rubens Howell
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY
ADOPTED BY

JUL 01 2002

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee	Committee
Date	Date
Chair	Chair
Action:	Action:
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action:	Action:
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
JUL 01 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
JUL 01 2002
MUNICIPAL CLERK
Flora Benjamin Johnson

MAYOR'S ACTION

APPROVED
Shirley Franklin
JUL 9 2002
MAYOR